

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD KATZ	:	
	:	
Plaintiff	:	CIVIL ACTION
	:	NO. 3:15-cv-1187
v.	:	
	:	
NATIONAL BOARD OF MEDICAL	:	(MARIANI, J.)
EXAMINERS, et al.,	:	(SAPORITO, M.J.)
	:	
Defendants	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2016, upon consideration of the Motion of the Defendants, the National Board of Medical Examiners and the Federation of State Medical Boards, for authorization pursuant to Middle District of Pennsylvania Local Rule of Civil Procedure 7.8(b)(3) to file a brief exceeding 15 pages and 5,000 words, it is hereby ORDERED that the motion is GRANTED.

BY THE COURT:

\_\_\_\_\_  
JOSEPH F. SAPORITO, JR.  
United States Magistrate Judge

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RICHARD KATZ	:	
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	:	
NATIONAL BOARD OF MEDICAL	:	(MARIANI, J.)
EXAMINERS, et al.	:	(SAPORITO, M.J.)
Defendants	:	

**DEFENDANTS' MOTION PURSUANT TO LOCAL RULE 7.8(b)(3)  
TO FILE A BRIEF EXCEEDING 15 PAGES AND 5,000 WORDS**

For the reasons set forth in the accompanying memorandum of law, defendants, the National Board of Medical Examiners (NBME) and the Federation of State Medical Boards (FSMB), respectfully move, pursuant to Local Rule 7.8(b)(3), for an Order authorizing them to file a brief in support of their motion for summary judgment that exceeds 15 pages and 5,000 words.

RESPECTFULLY SUBMITTED,

/s/ Michael E. Sacks

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States

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NATIONAL BOARD OF MEDICAL	:	(MARIANI, J.)
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Defendants	:	

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT  
OF THEIR MOTION FILED PURSUANT TO LOCAL RULE 7.8(b)(3)  
TO FILE A BRIEF EXCEEDING 15 PAGES AND 5,000 WORDS**

Defendants, the National Board of Medical Examiners and the Federation of State Medical Boards, respectfully request that the Court authorize them to file a brief in support of their motion for summary judgment that exceeds the 15-page and 5,000 word limits set forth in Local Rule 7.8(b).

Plaintiff sued the defendants for violation of the Americans with Disabilities Act under two distinct theories: that the NBME wrongly denied his request for accommodations in 2005-2006, and that the defendants' adoption and use of a six-attempt limit on taking any Step or Step Component of the United States Medical Licensing Examination (USMLE) violates his rights as a disabled person.

This litigation has been pending since June 2015, and various motions remain open, some of which defendants address in their motion for summary judgment.

Pursuant to the Scheduling Order adopted by the Court, defendants' motion for summary judgment is due on May 2, 2016.<sup>1</sup> Defendants have prepared a motion for summary judgment and a brief that is approximately 30 pages and 7,600 words in length.<sup>2</sup>

The length of the brief is required because defendants' motion addresses multiple legal theories and other legal and factual issues raised by the *pro se* plaintiff.

### **Conclusion**

For all the foregoing reasons, the defendants, the National Board of Medical Examiners and the Federation of State Medical Boards, respectfully request that the Court authorize the filing of their brief in support of their motion for summary judgment pursuant to Local Rule 7.8(b)(3).

RESPECTFULLY SUBMITTED,

/s/ Michael E. Sacks

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<sup>1</sup> The extended due date under the scheduling Order (Docket No. 85) actually says that dispositive motions should be filed by May 1, 2016, which is a Sunday. Pursuant to Fed. R. Civ. P. 6, the due date is extended to Monday, May 2, 2016.

<sup>2</sup> The page length and word count are estimates, since defendants are filing this motion before the motion for summary judgment and memorandum of law have been finalized.

**CERTIFICATE OF SERVICE**

I certify that the foregoing motion of the defendants pursuant to Local Rule 7.8(b)(3) to file a brief that exceeds the page and word limits of the local rules is being filed electronically with the Clerk of the Court on April 27, 2016, using the electronic case filing system, which will automatically send email notifications of such filing to registered parties. This motion is also being served by electronic mail and regular mail upon:

Richard Katz  
3364 Parker Lane  
East Stroudsburg, PA 18301  
cat2400@msn.com

*Pro se*

Dated: April 27, 2016

/s/ Michael E. Sacks  
\_\_\_\_\_  
MICHAEL E. SACKS